



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Steve Tate, Mayor Pro Tempore	Steve Tate, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Mark Grzan, Council Member	Mark Grzan, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

WEDNESDAY, NOVEMBER 30, 2005

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

5:30 P.M.

A Special Meeting of the City Council is Called at 5:30 P.M. for the Purpose of Conducting a Closed Session; and a Special Meeting of the City Council and Redevelopment Agency is called at 7:00 P.M for the Purpose of Conducting City and Redevelopment Agency Business.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

5:30 P.M.

City Council Action

CLOSED SESSION:

1.

PUBLIC EMPLOYEE APPOINTMENT

Authority:	Government Code 54957
Consideration of Appointment:	City Attorney
Attendees:	City Manager, Interim City Attorney, Bob Murray

2.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority:	Government Code 54956.8
Property:	17440 Monterey Road, APN: 726-14-028
Negotiating Parties:	
For City:	City Manager, Director of Business Assistance & Housing Services, City Attorney
For Property Owners:	Edward & Irene Enderson
Closed Session Topic/Under Negotiation:	Price and Terms of Payment

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CERTIFICATE OF APPRECIATION

"Pack a Lunch for a Friend in Mississippi"
Amy Uhl and Teresa DelPrete

PRESENTATION

Morgan Hill Aquatics Center
Winner of Silver LEED Award - 2005
Julie Spier & Jim Dumas

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 1-2

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

1. **PUBLIC ART AT THE INDOOR RECREATION CENTER.....5**
Recommended Action(s): Information Only.
2. **CIVIC CENTER PLAZA BENCHES/SEAT WALLS6**
**Recommended Action(s): Confirm Library Architectural Elements Desired on Benches, and Sister Cities
Concept to Not Be Incorporated in Plaza Design.**

City Council and Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
3.	20 Minutes	<u>LIBRARY PROJECT VALUE ENGINEERING AT 75% CONSTRUCTION DOCUMENTS AND COST ESTIMATE</u>7 <u>Recommended Action(s):</u> <u>Redevelopment Agency Board:</u> <u>Provide Direction</u> to staff on whether to 1. <u>Value Engineer</u> the Project to Meet the \$17 Million Project Budget <u>OR</u> 2. <u>Increase</u> the Project Budget by \$400,000 to Fund the Value Engineered Items from the Unallocated Sobrato Soccer CIP Budget of \$950,000, <u>OR</u> 3. <u>Increase</u> the Project Budget by the Amount Required to Add from the Value Engineered List Those Items that Agency Board Wishes to Remain in the Budget and/or Ask for Fund-Raising Commitments from Library Supporters; <u>AND</u> <u>City Council:</u> 4. <u>Appropriate</u> \$130,000 from the Park Impact Fund 301 to Fund the Neighborhood Playground on the corner of Dewitt & Alkire at the Civic Center Site; 5. <u>Recognize</u> that the Parks Maintenance Budget will Need to be Increased by Approximately \$20,000 in Fiscal Year 2006-2007 to Fund the Maintenance Contract of the Increased Civic Center Site; and 6. <u>Authorize</u> the Amendment of the Noll & Tam Agreement to Increase by \$20,000 the Approved Fees for Document Clarification with no Impact to the Project Budget.	

City Council and Redevelopment Agency Action

4.	5 Minutes	<u>SELECTION OF CITY COUNCIL MAYOR PRO TEMPORE AND REDEVELOPMENT AGENCY VICE-CHAIR</u>8 <u>Recommended Action(s):</u> 1. <u>Open Floor</u> to nomination(s) for Mayor Pro Tempore/Vice-Chair; and 2. <u>Select</u> Council/Agency Member to serve as Mayor Pro Tempore/Vice-Chair per City Council Policy CP 99-01.	
----	-----------	--	--

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT



**CITY COUNCIL AND REDEVELOPMENT
AGENCY STAFF REPORT**

MEETING DATE: NOVEMBER 30, 2005

**TITLE: PUBLIC ART AT THE INDOOR RECREATION
CENTER**

RECOMMENDED ACTION(S):

Informational item only.

EXECUTIVE SUMMARY:

Council tasked the Library, Culture and Arts Commission on October 26, 2005 to discuss and provide recommendations on a process and funding model towards providing for public art. Staff informed the Council at that time that there is a pressing need for public art input as there are two distinct areas in the Indoor Recreation Center (IRC) with prime available space. With the grand opening of the IRC less than a year away, the opportunity for art in the lobby and the natatorium walls is fast approaching.

Staff presented a report to the LCA on November 14, 2005 to discuss recommendations on a process and funding model to provide for public art. Staff reminded the LCA that there is no city funding allocated at this time for public art projects. At the November 14, 2005 meeting, the LCA was asked to review and provide comments on the proposed configurations and direction on how to proceed with the artwork graphic design, funding cost model and sources.

Staff presented a report to the LCA describing the two major locations available for public art at the IRC. Staff offered some suggestions regarding possible steps to proceed with developing a process which included forming a sub-committee that may include art organizations within the community. Also offered was a suggestion that the IRC be used as a working model; and possibly a short-term solution would be to establish an art loan program in order to meet the grand opening date of September 2006.

There was no direct action taken regarding this item at the November 14 meeting. Staff understands that several of the LCA members are working on proposed policies and procedures for incorporating public art and examples of best practices from other cities are being collected.

Council should be aware that the main lobby at the IRC and the wall(s) of the natatorium will be void of art and design at this point.

FISCAL IMPACT:

Funding for public art is not within the CIP budget at this time.

Agenda Item # 1

Prepared By:

**Special Assistant to the
City Manager**

Submitted By:

City Manager



**CITY COUNCIL AND REDEVELOPMENT
AGENCY STAFF REPORT**

MEETING DATE: NOVEMBER 30, 2005

**TITLE: CIVIC CENTER PLAZA
BENCHES/SEATWALLS**

Agenda Item # 2

Prepared By:

**Special Assistant to the
City Manager**

Submitted By:

City Manager

RECOMMENDED ACTION(S):

Confirm library architectural elements desired on benches and Sister Cities concept to not be incorporated in plaza design.

EXECUTIVE SUMMARY:

At the October 26, 2005 Council meeting staff asked for direction on the Civic Center Plaza architectural elements. The design of the new Morgan Hill Library provided an opportunity in the plaza area to include seating. It was suggested that the benches be designated for six Sister Cities with the Sister Cities Committee to enhance at a later date when funding and art forms were determined. The Library, Cultural and Arts Commission (LCA) conducted a survey at Taste of Morgan Hill, received input from Arts and Cultural Alliance, Sister City Committee and Friends of the Morgan Hill Library.

Based on the above input, LCA made a recommendation for Council consideration to incorporate three conceptual elements into the design plans. These elements are: functional bench style seating with library architectural elements and plaza lighting at the central location; and flagpoles to carry Sister City flags and banners at the eastern portion of the site. The columns are being replaced with increased plaza lighting. The flagpoles are not part of the library project budget and are outside the project boundaries.

Staff did not realize at the time that the LCA recommendation did not endorse Sister City Benches as they included a design template for them in their memo to Council. The LCA made clear to staff at their November 14, 2005 meeting that the recommendation was not to incorporate Sister Cities' benches into the plaza design. Rather, the benches should reflect library elements such as books as exemplified at the Livermore Library.

Also, the opportunity to have a permanent or long-term display of Sister City Items in display cases located at the Library is not available due to the Library's policy of rotating exhibits for one month periods only.

Staff is asking for direction from Council to confirm this direction.

FISCAL IMPACT:

Benches are included in the project budget and scope. Public Art portions, such as Sister City tiles, are not included.



**CITY COUNCIL AND REDEVELOPMENT
AGENCY STAFF REPORT**

MEETING DATE: NOVEMBER 30, 2005

Agenda Item # 3

Prepared By:

**Special Assistant to the
City Manager**

Submitted By:

City Manager

**LIBRARY PROJECT VALUE ENGINEERING AT 75%
CONSTRUCTION DOCUMENTS AND COST ESTIMATE**

RECOMMENDED ACTION(S): Provide direction to staff to:

Redevelopment Agency Board:

1. **Value engineer** the project to meet the \$17 million project budget -OR-
2. **Increase** the project budget by \$400,000 to fund the value engineered items from the unallocated Sobrato Soccer CIP budget of \$950,000 -OR-
3. **Increase** the project budget by the amount required to add from the value engineered list those items that Agency Board wishes to remain in the budget and/or ask for fund-raising commitments from Library supporters.

AND TO:

City Council:

4. **Appropriate** \$130,000 from the Park Impact Fund 301 to fund the neighborhood playground on the corner of Dewitt & Alkire at the Civic Center Site
5. **Recognize** that the Parks Maintenance Budget will need to be increased by approximately \$20,000 in FY 06-07 to fund the maintenance contract of the increased Civic Center site
6. **Authorize** the amendment of the Noll & Tam agreement to increase by \$20,000 to reflect the approved fees for document clarification with no impact to the project budget.

EXECUTIVE SUMMARY: The Library Building Project is at 75% Construction Documents and Cost Review. It has been determined that the project is approximately \$400,000 over budget (not including the playground allocation) due to strong inflationary pressures on the construction industry based on the re-building of the south and Florida, strengthening construction growth in CA, increases in material prices and increased costs of energy to manufacturer and ship construction materials. TBI Vice President/Morgan Hill Project Manager Gary Dam has worked closely with city staff to track and report the escalating building material costs. Please refer to memo dated November 16, 2005. At this juncture, staff requested Mr. Dam not to make any further value engineering cuts and that we would report to Council for further direction.

Attached is a Preliminary Budget based on 75% Construction Drawings and Specifications and a list with suggested value engineered items. The list is not as extensive as in previous projects due to the close working relationship and on-going cost estimating conducted by TBI with the Architectural Team of Noll & Tam. Staff wants to insure Council that there was no value engineering of items that adversely impacted the operations and maintenance of the Library building.

As with all public projects, staff is to report to Council operational impacts to the general fund. The Library will be operated by the Santa Clara County Library System with no direct operational impact to the city. The City will need to budget an estimated \$60,000 annually for capital replacement fee and Parks Maintenance will need \$20,000 annually to fund the contracting of the Library/Civic Center Plaza increased landscaping areas starting in FY 06-07. The request to amend the architectural contract is the result of a typo error and the corrected amount of \$1,479,972 reflects the amount previously budgeted.

FISCAL IMPACT: Depending on Council direction the impact could be \$400,000-\$500,000 to be allocated from Sobrato Soccer CIP fund or no fiscal impact if staff is directed to meet project budget.



CITY COUNCIL/REDEVELOPMENT AGENCY STAFF REPORT

MEETING DATE: November 30, 2005

SELECTION OF CITY COUNCIL MAYOR PRO TEMPORE AND REDEVELOPMENT AGENCY VICE-CHAIR

RECOMMENDED ACTIONS:

- 1) **Open floor to nomination(s) for Mayor Pro Tempore/Vice-Chair**
- 2) **Select Council/Agency Member to serve as Mayor Pro Tempore/Vice-Chair per City Council Policy**

EXECUTIVE SUMMARY:

City Council

The City Council has an adopted policy in place which sets forth the criteria for the selection of Mayor Pro Tempore annually for a one-year term. The adopted policy is intended to provide every Council Member with the opportunity to serve as Mayor Pro Tempore. Nomination for the Mayor Pro Tempore seat is to be made on the basis of the length of time that an individual has served on the City Council and whether or not the nominee has previously had the opportunity to serve as Mayor Pro Tempore. The Mayor or any member of the City Council may nominate a member to serve as Mayor Pro Tempore. A copy of the Policy is attached.

All Council Members have had the opportunity to serve as Mayor Pro Tempore with the exception of Council Member Grzan. (See attached table for rotation terms.) The Council Member selected to serve as Mayor Pro Tempore will serve for a one year term from December 1, 2005 through the first regular meeting of the City Council held after the General Municipal Election and after the new members have been sworn in (December 2006), per the adopted Council policy.

Redevelopment Agency

The current Bylaws of the Redevelopment Agency stipulate that a "Vice-chairperson shall be appointed annually be a majority vote of the Agency Commissioners . . ." The Bylaws do not stipulate that every Commissioner shall be afforded the opportunity to serve as Vice-chairperson. The Redevelopment Agency Commission typically appoints a Vice-chair at the same meeting that the Mayor Pro Tempore is appointed.

Agency Members Carr, Sellers and Tate have had the opportunity to serve terms as Vice-chair to the Redevelopment Agency Commission (see attached table for rotation schedule). Agency Member Grzan has not had the opportunity to serve as Vice-chair.

On August 24, 2005, the City Council/Redevelopment Agency amended City Council Policy No. 99-01, Selection of Mayor Pro Tempore, to stipulate that the Council Member selected to serve as Mayor Pro Tempore shall also be the individual selected to serve as the Redevelopment Agency's Vice-chair, in order to maintain continuity and avoid confusion as to who would be overseeing joint meetings in the absence of the Mayor/Chairman.

City Council/Redevelopment Agency

Council Policy, CP-99-01 states that the selection of Mayor Pro Tempore is to occur at the first regular meeting of the City Council held after the general municipal election, or at the second regular meeting in November in each year that a general municipal election is not held. The selection of Mayor Pro Tempore/Vice-chair was deferred from the Council's second meeting in November (11/16/05) and is being scheduled Council action at the November 30, 2005 special meeting. It is recommended that the City Council/Agency Commission select, by majority vote, a Council/Agency Member to serve as Mayor Pro Tempore/Vice-chair for a one-year term, ending after certification of the General Municipal Election (December 2006).

FISCAL IMPACT: No Fiscal Impact.

Agenda Item # 4

**Prepared/Approved
By:**

**Council Services &
Records Manager/City
Clerk**

Submitted By:

City Manager

**CITY COUNCIL
MAYOR PRO TEMPORE ROTATION**

	<i>From:</i>	<i>To:</i>
Council Member Tate	January 19, 2000	December 6, 2000
Council Member Sellers	December 6, 2000	December 12, 2001
Council Member Carr	December 12, 2001	December 14, 2002
Council Member Chang	December 14, 2002	December 10, 2003
Council Member Sellers	December 10, 2003	December 15, 2004
Council Member Tate	December 15, 2005	December 1, 2005
Council Member Grzan	Has not served in this capacity	

**REDEVELOPMENT AGENCY
VICE-CHAIR ROTATION**

	<i>From:</i>	<i>To:</i>
Agency Member Sellers	January 19, 2000	December 6, 2000
Agency Member Carr	December 6, 2000	December 12, 2001
Agency Member Chang	December 12, 2001	December 4, 2002
Agency Member Chang	December 4, 2002	December 10, 2003
Agency Member Sellers	December 10, 2003	December 15, 2004
Agency Member Tate	December 15, 2005	December 1, 2005
Agency Member Grzan	Has not served in this capacity	